

April 2, 2002

DIRECTOR'S MEMORANDUM NO. 19-02

MEMORANDUM FOR: ALL REGIONAL ADMINISTRATORS AND DIRECTORS
FOR VETERANS' EMPLOYMENT AND TRAINING

FROM: STANLEY A. SEIDEL (Signed)
Director, Operations and Programs

SUBJECT: Change to Uniformed Services Employment and Reemployment Rights Act
(USERRA)/Veterans' Preference (VP) Employee/Employer Advisors

PURPOSE: To provide information and guidance on changes to the USERRA/VP Advisors in the Veterans' Employment and Training Service (VETS) website, <http://www.dol.gov/dol/VETS/welcome.html>, or accessible through the U.S. Department of Labor (USDOL) elaws website, <http://www.dol.gov/elaws>.

BACKGROUND: The USERRA/VP Advisor website provides a valuable resource to veterans seeking information that can be used, in part, to determine whether those veterans may have reason to submit a USERRA/VP complaint. Users are encouraged to complete the USERRA/VP interactive process before contacting their State Veterans' Employment and Training Service (VETS) local office to ask questions or to obtain additional information on filing of USERRA/VP complaints.

Although this process has worked relatively well, the requirement for customers to wait on the receipt of an official complaint form (VETS 1010), via mail, has resulted in delays in commencement of investigations. With the requirement under the Veterans Employment Opportunities Act (VEOA) of 1998 for VP complaints to be received by the Department of Labor (VETS) within 60 days of the date of the alleged VP violation, it has become necessary to investigate methods to enhance the timeliness for initial submission of complaints.

GUIDANCE: One way we can assist in enhancing timeliness is to provide the complaint form on the Internet for completion and downloading by the complainant. This will save the time required for investigators to mail the form to complainants for completion. A copy of the latest Office of Management and Budget (OMB) approved VETS-1010 has been added as a link to the USERRA/VP Advisor websites. Instructions for completion of the form have been provided for

those intending to complete and download the form for submission of a written complaint. VETS will continue to include the link that allows complainants to obtain contact information for their local VETS office for questions they may have concerning the complaint process and for locating the office to which their USERRA/VP complaint forms will be mailed for appropriate investigative action. The opportunity to download the form will be available only to those who complete the interactive process and reach a point where a possible complaint situation has been identified.

ACTIONS: RAVETs will notify all VETS investigative staff of the contents of this DM. VETS investigative staff are to ensure that they maintain an electronic version of the attached VETS-1010 form and instructions for use, as necessary. Additionally, they will advise those contacting VETS for assistance in filing a complaint, that after the individual completes the USERRA/VP interactive process that leads to a determination of a possible complaint situation, that the complaint form is available for completion and downloading. After downloading, the complaint form must then be printed, signed, dated, and mailed to the appropriate VETS local office.

INQUIRIES: Any questions regarding this DM should be directed to Pat Harvey (202) 693-4728 or e-mail at harvey-patrick@dol.gov

EXPIRATION DATE: Until superceded.

ATTACHMENTS:

- A. OMB No. 1293-0002 (EXP: 02/28/03), VETS/USERRA/VP Form 1010 (REV: 2/99)
- B. Instructions for completing VETS/USERRA/VP Form 1010 for USERRA Claims
- C. Instructions for completing VETS/USERRA/VP Form 1010 for Veterans' Preference Claims